

REMARKS

Claims 1, 5-8, 25, and 27-40 are pending in the present application. Claims 1, 27, 33, and 37 have been amended. Claims 1, 27, 33, and 37 are independent claims. The Examiner is respectfully requested to reconsider the outstanding rejections in view of the amendments and the following remarks.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 1, 5-8, 25, and 33-36 as being allowable if amended to overcome the rejection(s) under 35 U.S.C. § 112, 2nd paragraph.

Telephonic Interview of March 15, 2007

Applicants wish to thank Examiner Aaron Strange for taking the time to discuss the present application with Applicants' representative, Jason Rhodes (Reg. No. 47,305), during the telephonic interview conducted on March 15, 2007.

Claims Discussed: Claims 1, 27, 33, and 37.

Proposed Amendments Discussed: The Examiner and Applicants' representative discussed a set of proposed claim amendments for claims 1, 27, 33, and 37. Claims 1 and 33 have been amended above in accordance with the proposed amendments. Claims 27 and 37 have been amended in accordance with the proposed amendments inasmuch as they relate to the 35 U.S.C. § 112, 2nd paragraph rejection.

General Results: Agreement was reached that the claim amendments would overcome the rejection under § 112, 2nd paragraph, for indefiniteness. Thus, the proposed claim amendments would make claims 1 and 33 allowable. However, agreement could not be reached as to the § 112, 1st paragraph, rejection.

Rejection Under 35 U.S.C. § 112

§ 112, 1st – Written Description Requirement

Claims 27-32 and 37-40 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the application was filed. Particularly, the Examiner asserts that the specification does not describe generating a plugin based on the operating system. This rejection is respectfully traversed.

Applicants point out that MPEP § 2163 sets forth guidelines for the examination of patent applications under the “Written Description” requirement of 35 U.S.C. § 112, 1st paragraph. Specifically, the second paragraph of MPEP § 2163.I.B indicates that the requirement for the specification to support added claim limitations is not an *in haec verba* requirement (i.e., the specification is not required to use the exact language in the claims). Instead, this section of the MPEP indicates that the specification may support added claim limitations through express, implicit, or inherent disclosure.

Furthermore, MPEP § 2163.II.A lists the methodology for the Examiner to follow in order to determine the adequacy of the Written Description. This methodology includes the following steps:

1. For each claim, determine what the claim as a whole covers;
2. Review the entire application to understand how Applicants provide support for the claimed invention including each element and/or step; and
3. Determine whether there is sufficient Written Description to inform a skilled artisan that Applicants were in possession of the claimed invention as a whole at the time the application was filed.

Here, Applicants respectfully submit that the specification, as originally filed, is more than sufficient to inform one of ordinary skill in the art that the inventors were in possession of the claimed invention.

First, Applicants respectfully refer the Examiner to page 7, lines 9-12, of the original specification, which states:

“Figure 2 is a functional block diagram of elements that may be used in accordance with the present invention to exchange data from a source location to a destination location. Application 200 may be a computer program located at the source location. An adapter 202 may be an application that *creates* a software envelope 204 that contains data 206.” (Emphasis added.)

This portion of the specification teaches that the adapter 202 of the source location (see Fig. 2) creates the software envelope that is sent to the destination location.

Next, the Examiner is respectfully referred to page 7, lines 9-17, of the original specification, which states:

“The appropriate plugin may depend upon the operating system utilized by the destination location. For example, a first plugin may extract the information contained in the data file shown in figure 6 and rehydrate the information into an object recognized by the first operating system. Furthermore, a second plugin may be used to extract and rehydrate the same information into an object recognized by a second operating system. In one embodiment of the invention, a plugin or parser may be attached to the software envelope.” (Emphasis added.)

This portion of the specification not only teaches that the plugin is dependent on the operating system of the destination location, but also discloses an embodiment in which the destination location receives the plugin as an attachment to the software envelope that is created and sent by the source location. It is respectfully submitted that persons of ordinary skill in the art would infer that, in creating the software envelope, the source location is also be responsible for generating any attachments to such envelope, including the plugin.

Thus, in view of the above teachings of the original Written Disclosure, Applicants respectfully submit that the original specification is more sufficient to inform one of ordinary skill in the art that the inventors contemplated an embodiment in which the source location generates a plugin based on the operating system of the destination location.

Accordingly, Applicants respectfully submit that the claimed subject matter of claims 27-32 and 37-40 is described in the specification as to reasonably convey to those of ordinary skill in the art that inventors had possession of the claimed invention at the time the application was filed. Thus, the Examiner is respectfully requested to reconsider and withdraw this rejection.

§ 112, 2nd – Indefiniteness

Claims 1, 5-8, 25, and 27-40 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite. This rejection, insofar as it pertains to the presently pending claims, is respectfully traversed.

As discussed above, during the telephonic interview of March 15, 2007, the Examiner agreed that the above claim amendments are sufficient for overcoming the rejections under § 112, 2nd paragraph.

For example, as to independent claim 1, Applicants have incorporated the Examiner's suggestion of amending these claims to replace "the plugin creating the object from the markup language of the data file" with --creating the object from the markup language of the data file with the plugin--. Independent claim 27 has been amended to replace the same phrase with --wherein the plugin creates the object from the markup language of the data file--.

Also, as amended, Applicants respectfully submit that claims 1 and 33 now provide sufficient antecedent basis for "the step of creating the object...with the plugin."

Further, independent claims 1 and 33 now recite --determining a first data field in the plurality as an optional data field based on the predetermined schema--. The Examiner

acknowledges that this recitation is consistent with the specification (see Office Action at page 4, 2nd paragraph).

Also, in independent claims 33 and 37, Applicants have incorporated the Examiner's suggestion of amending the claims to recite --computer readable media storing computer-executable instructions which, when executed on a computer system, cause the computer to perform a method comprising the steps of--.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejection under § 112, 2nd paragraph.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request the Examiner to reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

Should the Examiner believe that any outstanding matters remain in the present application, the Examiner is respectfully requested to contact Jason W. Rhodes (Reg. No. 47,305) at the telephone number of the undersigned to discuss the present application in an effort to expedite prosecution.

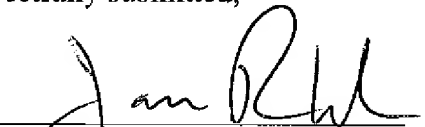
Application No. 09/605,544
Amendment dated May 7, 2007
Reply to Office Action of January 5, 2007

Docket No.: 5486-0139PUS2

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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